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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
In re	: Chapter 11 Case No.
	:
LEHMAN BROTHERS HOLDINGS INC., et al.,	: 08-13555 (SCC)
	:
Debtors.	: (Jointly Administered)
-----X	

**JOINT PRE-TRIAL ORDER IN CONNECTION WITH THE MOTION OF
DR. THOMAS MARSONER TO DEEM PROOFS OF CLAIM TIMELY FILED**

Lehman Brothers Holdings Inc. (“LBHI”) and Dr. Thomas Marsoner (“Marsoner”) (collectively, the “Parties”) hereby jointly submit this Pre-Trial Order pursuant to paragraph 7 of the Stipulation and Order Establishing Pre-Trial Procedures in Connection with the Motion of Dr. Thomas Marsoner To Deem Proofs of Claim To Be Timely Filed by the Claims Bar Date, dated May 10, 2015 [ECF No. 52740].

I. Live Witnesses

A. Marsoner

Dr. Marsoner expects to call himself and Ruggero Magnoni as live witnesses at the Evidentiary Hearing. Dr. Marsoner and Mr. Magnoni will testify as to, among other things, (i) whether Dr. Marsoner was a known creditor of the above-captioned Debtors; and (ii) Dr. Marsoner's claims against the Debtors. Dr. Marsoner also reserves the right to call any of the witnesses on the Debtors' witness list. If, for some reason, the above witnesses are unable to appear at the evidentiary hearing, Dr. Marsoner will seek leave of the Court to submit their deposition testimony.

B. LBHI

LBHI expects to call Steven Kotarba and Thomas Behnke as live witnesses at the Evidentiary Hearing. Mr. Kotarba and Mr. Behnke are Managing Directors at Alvarez & Marsal. Mr. Kotarba will testify regarding the preparation of the Debtors' Creditor List. Mr. Behnke will testify regarding the addresses at which Dr. Marsoner was served with notice of the Bar Date, payments made by LBHI as paying agent for Lehman Brothers Europe Limited to Dr. Marsoner, and the employing entity of certain former employees. LBHI reserves the right to call any other witnesses in rebuttal if necessary.

II. Deposition Transcript Excerpts

A. Marsoner

Attached as Exhibit A are deposition excerpts reflecting (1) the deposition testimony that Marsoner is likely to introduce at the Evidentiary Hearing highlighted in yellow; and (2) the deposition testimony that LBHI is likely to introduce in rebuttal highlighted in blue. Attached as Exhibits B and C respectively are the *Deposition Designations of Dr. Thomas*

Marsoner and the LBHI's Rebuttal Deposition Designations to the Deposition Designations of Dr. Thomas Marsoner.

B. LBHI

Attached as Exhibit D are deposition excerpts reflecting (1) the deposition testimony that LBHI is likely to introduce at the Evidentiary Hearing highlighted in yellow; (2) the deposition testimony that Marsoner is likely to introduce in rebuttal highlighted in blue; and (3) the deposition testimony designated by both LBHI in its case in chief and by Marsoner in rebuttal highlighted in green. Attached as Exhibits E and F respectively are the *Deposition Designations of Lehman Brothers Holdings Inc.* and the *Rebuttal Deposition Designations of Dr. Thomas Marsoner.*

III. Trial Exhibits

Attached as Exhibit G is a joint list of pre-marked exhibits that LBHI and/or Marsoner may introduce as evidence at the Evidentiary Hearing. Exhibit G identifies the exhibits proposed by both LBHI and Marsoner, the exhibits proposed solely by Marsoner, and the exhibits proposed solely by LBHI. The Parties reserve the right to offer any of the exhibits identified in Exhibit G into evidence, irrespective of which Party proposed the exhibit. Three copies of a joint documentary appendix containing the exhibits in Exhibit G have been sent to Chambers.

The Parties agree that the exhibits identified in Exhibit G are authentic copies of the documents described in Exhibit G. However, the inclusion of an exhibit in Exhibit G shall not constitute an admission by any Party that the exhibit is admissible as evidence at the Evidentiary Hearing. The Parties do not waive, and expressly reserve, any objection to the relevance, weight and/or admissibility of the exhibits identified in Exhibit G.

Dated: July 20, 2016
New York, New York

/s/ David J. Lender

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